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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,395	03/19/2001	Michael A. Muller	366.125	6004
5514 7590 05/23/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
RETTA, YEHDEGA				
ART UNIT		PAPER NUMBER		
3622				
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05/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/810,395

Applicant(s)

MULLER, MICHAEL A.

Examiner

Yehdega Retta

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-22, 55-59, 61-67, 69-82, 93, 94 and 98-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-22, 55-59, 61-67, 69-82, 93, 94 and 98-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to Request for Continued Examination filed February 25, 2008. Applicant amended 1, 55 and 64. Claims 1, 4-22, 55-59, 61-82, 91-94 and 98-101 are pending.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6-9, 11, 13-22, 55, 56, 58-, 59, 61-67, 69-83, 93, 94, 98-101, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kaplan (US 7,155,157).

Regarding claims 1, 4, 6-9, 11, 13-22, Kaplan teaches a server operable to receive formulation of a problem to be solved; receiving from a plurality of participants via a network *at least non-final suggested solution* (multi-step problems for complex problem or sub-topics representing a branch of a problem or specific question) to the problem (see fig. 5); distribute portions of an award to those participants *who contribute the at least non-final suggested solution to the problem the suggested solutions*(the dollar amount the customer is willing to pay for ideas for that address the topic, help solve the sub-problem of the branch) (see col. 8 line 27 to col. 9 line 55); tools for controlling the distribution of the award (see fig. 7); wherein the distribution of the portions of the award are varied; remaining portion of the award automatically distributed to other participants within the predetermined time blocking the further development (col. 13 lines 10-14, col. 15 line 45 to col. 16 line 55, col. 18 lines 17-44); manage a discussion of the problem and

the suggested solutions and receive and display the discussion in real time; storing the formulation of the problem and suggestions (see fig. 8, col. 15 line 4 to col. 16 line 67); facilitate a private problem resolution discussion between a client and authority (see col. 27 lines 33-47).

Regarding claims 55, 56, 58-, 59, 61-67 and 69-83, Kaplan teaches means for or system for facilitating problem solving; transmitting and receiving from a plurality of participants via a network *at least non-final suggested solution* (multi-step problems for complex problem or sub-topics representing a branch of a problem or specific question) to the problem (see fig. 5); distributing portions of an award to those participants *who contribute the at least non-final suggested solution to the problem the suggested solutions/* (the dollar amount the customer is willing to pay for ideas for that address the topic, help solve the sub-problem of the branch) (see col. 8 line 27 to col. 9 line 55); means for controlling the distribution of the award (see fig. 7); wherein the distribution of the portions of the award are varied; remaining portion of the award automatically distributed to other participants within the predetermined time blocking the further development (col. 13 lines 10-14, col. 15 line 45 to col. 16 line 55, col. 18 lines 17-44); manage a discussion of the problem and the suggested solutions and receive and display the discussion in real time; storing the formulation of the problem and suggestions (see fig. 8, col. 15 line 4 to col. 16 line 67); facilitate a private problem resolution discussion between a client and authority (see col. 27 lines 33-47).

Regarding claims 93, 94 and 98-101, Kaplan teaches receiving from at least one visitor a quality assessment of the suggested solutions; determine a quality assessment based on the portions of the award received for the respective suggested solutions (see

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col. 6 lines 20-39, col. 7 lines 10-19, col. 12 lines 39-54, col. 17 line 27 to col. 18 line 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 12, 57 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US 7,155,157).

Regarding claims 5, 12, 57 and 68, Kaplan failed to teach anonymously transmitting the formulation of the problem and receiving suggested solution. Official Notice is taken that anonymous communication is old and well known in the art of Internet. It would have been obvious to one of ordinary skill in the art to modify Kaplan's online distributed problem solving to provide anonymous communication, since participants would like to stay anonymous in order to protect their privacy.

Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US 7,155,157) in view of Lauffer (US 6,223,165).

Regarding claim 10, Kaplan does not explicitly teach wherein the other participants are viewers of a television broadcast relating to the formulation of the problem and the suggested solutions and the presenter is a television presenter for the television broadcast, it is taught in Lauffer. Lauffer teaches any technology used to bring consumer with experts including PCs, telephones or TVs (see col. 2 lines 9-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to provide Kaplan's problem solving in television broadcasting, as in Lauffer, in order participants to use any contact means to solve a problem as in Kaplan.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-22, 55-59, 61-67, 69-82, 93, 94 and 98-101 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

/Yehdega Retta/
Primary Examiner, Art Unit 3622